

CHAPTER 67:42:04

GROUP FAMILY DAY CARE HOMES

(Repealed)

Section

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- ~~67:42:04:11 Repealed.~~
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~~67:42:04:01. Definition of group family day care home. Group family day care means the provision of regular care and supervision of 13 to 20 children either in the provider's home or in a facility outside the provider's home for part of a 24-hour period as a supplement to regular parental care.~~

~~—— Source: 4 SDR 2, effective July 25, 1977; repealed, 6 SDR 31, effective September 30, 1979; readopted, 15 SDR 94, effective January 1, 1989.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-14.~~

~~67:42:04:03. Staff-child ratio. Providers must maintain the following staff-child ratios:~~

- ~~—— (1) One staff person to five children for children up to three years of age;~~
- ~~—— (2) One staff person to ten children for children three to six years of age; and~~
- ~~—— (3) One staff person to 15 children for children six years of age or older.~~

~~—— The staff-child ratio of mixed-age groups must meet the requirements of the age grouping that comprises the majority of the children except when children under three years of age are present. When three or more children under the age of three years are present in a mixed-age group, the staff-child ratio for children under three years of age must be maintained. Children of staff members who are also in care or are supervised at the facility must be included in determining group size and the staff-child ratio.~~

~~—— For emergency situations, the home must maintain a list of adults who would be available within 15 minutes of the center. The home must post a list of these individuals and their telephone numbers by the center's telephone.~~

~~—— Source: 4 SDR 2, effective July 25, 1977; repealed, 6 SDR 31, effective September 30, 1979; readopted, 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-15.1, 26-6-16.~~

~~—— Cross-Reference: Additional number of children in day care -- Staff-to-child ratios, SDCL 26-6-15.1.~~

~~67:42:04:04. Qualifications of operator of group family day care home. The operator of a group family day care home must meet the following requirements:~~

- ~~—— (1) Be at least 18 years old;~~
 - ~~—— (2) Not have on record a substantiated report of child abuse or neglect;~~
 - ~~—— (3) If applying to be an operator after September 29, 2004, meet one of the following educational requirements:~~
 - ~~—— (a) Have a bachelor's degree in the field of education or human development and at least two years of experience in a child care setting;~~
 - ~~—— (b) If the center cares for preschool-aged children, have a bachelor's degree in elementary education and at least two years of experience in a child care setting;~~
 - ~~—— (c) If the center cares for school-aged children only, have a bachelor's degree in elementary education;~~
 - ~~—— (d) Have a bachelor's degree in the field of early childhood education;~~
 - ~~—— (e) Have an associate of arts degree in the field of early childhood development;~~
 - ~~—— (f) Be certified as a child development associate (CDA);~~
 - ~~—— (g) Have a pre-kindergarten teacher endorsement;~~
 - ~~—— (h) Be certified as a Montessori teacher and have at least one year of experience in a Montessori school or child care setting; or~~
 - ~~—— (i) Have a child development technician diploma;~~
 - ~~—— (4) If the operator owes child support arrearages which total \$1,000 or more, the operator must have a satisfactory arrangement with the Office of Child Support Enforcement for the repayment of those arrearages;~~
 - ~~—— (5) The operator must be a stable, emotionally mature individual of reputable character;~~
- ~~and~~

~~—— (6) The operator shall demonstrate the ability to provide care for children that attends to the child's physical growth and development and to the physical, emotional, cognitive, and social needs of the children in care.~~

~~—— If care is provided in the operator's home, family composition and relationships may not adversely affect a child in care. The operator's family members who are 10 years of age or older and any other individual living in the home may not have a substantiated record of child abuse or neglect or a conviction of a crime of violence as defined by SDCL 22-1-2.~~

~~—— Source: 4 SDR 2, effective July 25, 1977; repealed, 6 SDR 31, effective September 30, 1979; readopted, 15 SDR 94, effective January 1, 1989; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 25-7A-56, 26-6-16.~~

~~—— Cross References:~~

~~—— Screening for substantiated reports of abuse and neglect, § 67:42:01:05.02.~~

~~—— Notice to absent parent before restricting issuance of licenses, § 67:18:01:61.~~

~~—— Administrative review and fair hearing before restricting issuance of licenses, § 67:18:01:62.~~

~~—— Note: Information relating to certification as a child development associate may be obtained from the South Dakota Department of Social Services, Office of Child Care Services, 700 Governors Drive, Pierre, South Dakota 57501 (1-800-227-3020).~~

~~67:42:04:04.01. Qualifications of staff members. A child care worker must be at least 18 years old and must work under the supervision of the group family day care operator. A child care worker may be included in the adult-child ratio.~~

~~—— A secondary child care worker must be at least 14 years old and may be counted in the staff-child ratio only if under the direct and constant supervision of the group family day care operator or a child care worker and if there is at least one adult present in the home. A secondary child care worker may not be left along with children in care.~~

~~—— The provisions of §§ 67:42:04:04.02, 67:42:04:04.05, and 67:42:04:04.06 apply to child care workers and secondary child care workers.~~

~~—— Auxiliary staff include those individuals such as cooks, janitors, and secretaries who provide assistance with the operation of the home. The provisions of §§ 67:42:04:04.02 and 67:42:04:04.05 apply to auxiliary staff.~~

~~—— A volunteer filling any of these positions must meet the applicable requirements.~~

~~—— Source: 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16.~~

~~67:42:04:04.02. Staff records and hiring requirements. The operator of a group family day care home must maintain a record on each staff member. The record must include the staff member's name, age, address, telephone number, education and work experience, in-service and orientation training, health records, references, evidence that the staff member was screened through the central registry of child abuse or neglect, a statement signed by the staff member acknowledging that the staff member has reviewed and understands the provisions of chapters 67:42:01, 67:42:04, and 67:42:11, and a statement signed by the staff member which defines child abuse and neglect and outlines the staff member's responsibility to report all incidents of child abuse or neglect under the provisions of SDCL 26-8A-3 and 26-8A-8. The file information must be retained for six months after employment ends.~~

~~—— The operator of a group family day care home must contact at least three references which may include the individual's former employers. The references may not be related to the individual. The contacts must relate to the individual's character, emotional stability, and competence. References must be in the form of a documented conversation or written letter and must be in the operator's possession before hiring.~~

~~—— Before hiring an individual to work in the home, the operator must comply with the screening requirements of §§ 67:42:01:05.01 and 67:42:01:05.02.~~

~~—— Source: 15 SDR 94, effective January 1, 1989; 20 SDR 223, effective July 7, 1994; hiring and screening requirements were transferred from § 67:42:04:04.03, 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16, 26-6-23.2, 26-8A-3.~~

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~~67:42:04:04.05. Staff health requirements. The operator, each staff member, and the operator's family members age 18 and over having daily contact with children in care must have a Mantoux tuberculin skin test. Individuals who react to the testing, without disease, and who do not complete a preventive course of Isoniazid, INH, must annually demonstrate evidence of no active disease by a physical evaluation completed by a medical doctor. Individuals who have been infected by tuberculosis and have completed a minimum six-month course of INH and individuals who show no reaction to the test at the time of employment are exempt from further evaluation. A copy of the tuberculin test reports, physical evaluations, or verification of completing a course of INH must be kept in the employee's personnel file.~~

~~Source: 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.~~

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

~~67:42:04:04.06. Staff development and training. The operator of a group family day care home and each staff member used to meet the staff-child ratio must participate in a minimum of ten hours of training annually. The operator must have a written plan for staff training that includes at least three of the following areas:~~

- ~~—— (1) Basic first aid. This must occur during the first year of licensure or employment;~~
- ~~—— (2) Program health and safety;~~
- ~~—— (3) Learning environments;~~
- ~~—— (4) Child growth and development;~~
- ~~—— (5) Guidance and behavior management;~~
- ~~—— (6) Detecting and reporting child abuse and neglect;~~
- ~~—— (7) Communication and relations with staff;~~
- ~~—— (8) Food handling techniques;~~
- ~~—— (9) The identification and prevention of communicable diseases;~~
- ~~—— (10) Cultural diversity;~~
- ~~—— (11) Nutrition for children;~~
- ~~—— (12) Age-appropriate activities and planning;~~
- ~~—— (13) Professionalism;~~
- ~~—— (14) Partnerships with parents;~~
- ~~—— (15) Inclusion of all children; and~~
- ~~—— (16) Program management and regulation.~~

~~—— Before an initial license is issued, the operator or a designated staff person must complete at least one hour of class instruction in basic first aid. In addition, the operator or designated staff person must become certified in infant-child cardio-pulmonary resuscitation (CPR) through either the American Heart Association or the American Red Cross or another entity that provides the operator or designated staff person with hands-on skills testing as part of the training. Each staff person must complete and become certified in CPR within the~~

~~first year of employment. The CPR certification for the operator and each staff person must remain valid at all times.~~

~~—— Orientation training may count toward one hour of annual required training for each staff person during their first year of employment.~~

~~—— Source: 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16.~~

~~—— Cross-Reference: Staff orientation, § 67:42:04:04.08.~~

~~67:42:04:04.07. Discipline. Discipline techniques used must offer clear-cut limits with positive guidance and direction to help a child develop self-control and respect for the rights of others. Discipline techniques must be appropriate to the child's age and developmental level. Discipline may not be delegated to older children or peers. Use of humiliating or frightening punishment such as the following are prohibited:~~

- ~~—— (1) Spanking, hitting, pinching, biting, shaking, or inflicting any other unusual physical punishment;~~
- ~~—— (2) Verbal abuse, threats, or derogatory remarks about self or family;~~
- ~~—— (3) Restriction of movement by binding or enclosure in a confined space such as a closet, locked room, box, or similar cubicle;~~
- ~~—— (4) Punishment for lapses in toilet training;~~
- ~~—— (5) Withholding or forcing meals, snacks, or naps; and~~
- ~~—— (6) Use of substances such as soap, pepper, or hot pepper sauce for punishment of undesirable behaviors.~~

~~—— Source: 15 SDR 94, effective January 1, 1989; 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-14.~~

~~67:42:04:04.08. Staff orientation. The group family day care must have and implement a written plan for orientation of staff. The plan must provide for staff orientation in at least the following areas:~~

- ~~—— (1) Planning developmentally appropriate activities for children;~~
- ~~—— (2) Supervision and guidance techniques;~~
- ~~—— (3) Handwashing and sanitation techniques to reduce the spread of disease and infection;~~
- ~~—— (4) Meeting the nutritional needs of children;~~
- ~~—— (5) Meeting the special health-care needs of children;~~
- ~~—— (6) Emergency response procedures;~~
- ~~—— (7) Reporting suspected cases of child abuse and neglect;~~
- ~~—— (8) Facility policies; and~~
- ~~—— (9) Regulations for group family day care operation.~~

~~—— Orientation must be completed either before the staff member or volunteer may have unsupervised contact with children in care or within 30 days after beginning work with children, whichever occurs first. Documentation of the completed orientation must be kept in the staff member's or volunteer's personnel file.~~

~~—— Source: 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16.~~

~~67:42:04:06. Health standards for children. Before a child is admitted to care in a group family day care home, the operator must require a child's parent or guardian to submit a written statement signed by a licensed physician, physician's assistant, certified nurse practitioner, or community health nurse showing the immunization status of the child and verifying that the child meets the minimum immunization requirements for the child's age as recommended by the South Dakota Department of Health.~~

~~—— The operator must insure that immunization levels of all children are current. For children who begin the series late or are more than one month behind in immunizations, the immunization levels of these children must show current progress toward achieving adequate immunization levels as recommended by a licensed physician, physician's assistant, certified nurse practitioner, or community health nurse. Immunization levels may be verified by an annual audit conducted by the Department of Health.~~

~~—— If a child suffers an illness during the day, the child must be separated from other children and the child's parents must be notified. The provider must notify the Department of Health if any child in the group family day care home contracts a communicable disease. The provider must follow the Department of Health's recommendations for addressing a situation involving a communicable disease. The group family day care home must have on file the name, address, and telephone number of each child's source of regular health supervision as well as other emergency medical information.~~

~~—— A child is exempt from meeting the minimum age-specific immunization levels if the child's parent or guardian has certification from a licensed physician stating that the physical condition of the child is such that a test or immunization would endanger the child's life or health or if the child's parent or guardian has signed a written statement that the child is an adherent to a religious doctrine whose teachings are opposed to such tests and immunizations.~~

~~—— Written permission from parents or guardians allowing for the child's emergency medical care must be obtained and maintained by the operator.~~

~~—— Source: 4 SDR 2, effective July 25, 1977; repealed, 6 SDR 31, effective September 30, 1979; readopted, 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16.~~

~~—— Cross-References:~~

~~—— Tests and immunizations for communicable diseases required for admission to school --
Exceptions -- Rules, SDCL 13-28-7.1.~~

~~—— Records and reports on children in care of agencies -- Information confidential, SDCL 26-6-20.~~

~~—— Definition of "communicable disease," § 44:20:01:01.~~

~~67:42:04:07. Suspected in-house incidents of child abuse or neglect --- Reporting requirements and in-house procedures. The operator of a group family day care home and each staff member must read and sign a statement which defines child abuse and neglect and outlines the individual's responsibility to report all incidents of suspected child abuse or neglect. In addition to complying with SDCL 26-8A-3 and 26-8A-8, each employee or volunteer must report any incident of suspected child abuse or neglect to the operator. The operator must immediately report any suspected or alleged in-house incident of child abuse or neglect to the department, police, sheriff, or state's attorney and cooperate fully in the investigation of any incident.~~

~~--- The group family day care home must have written procedures for the handling of suspected in-house child abuse. The procedures must include at least the following:~~

~~--- (1) A procedure for ensuring that the alleged incident could not recur while awaiting the official investigation by the department of law enforcement; and~~

~~--- (2) A procedure for evaluating the continued employability of any staff member determined to be involved in an incident of child abuse.~~

~~--- Source: 4 SDR 2, effective July 25, 1977; repealed, 6 SDR 31, effective September 30, 1979; readopted, 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.~~

~~--- General Authority: SDCL 26-6-16.~~

~~--- Law Implemented: SDCL 26-6-16, 26-8A-3.~~

~~67:42:04:07.01. Parental involvement. Group family day care operators must allow a parent to observe the parent's child at any time and immediately upon request.~~

~~—— Source: 15 SDR 94, effective January 1, 1989.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-14.~~

~~67:42:04:08.01. Medications. Medications may only be administered with the written consent of the parent or guardian and only if the consent lists the name of the medication and the date or dates the medication is to be administered. Medications must be kept in their original container with the original label. The label for prescription medications must contain legible directions for use, the expiration date, the child's name, and the physician's name. A drug container without a label or with an illegible label is not permitted. Medications must be stored in a place which is inaccessible to children. Medication requiring refrigeration must be placed in another nonabsorbent container and labeled "medications."~~

~~—— Source: 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16.~~

~~67:42:04:09. Fire inspection -- Life safety. A group family day care home must meet the construction and fire safety requirements contained in chapter 61:15:06. The Department of Public Safety, the city fire inspection authority, or the city health inspection authority must inspect the home before an initial license is issued and each year thereafter. Before an initial license is issued, the provider must provide to the department a copy of the inspection results. The inspection results must indicate compliance with the fire and life safety requirements. Each year thereafter, the provider must provide to the department a copy of the inspection results indicating continued compliance with the fire and life safety requirements.~~

~~—— Source: 4 SDR 2, effective July 25, 1977; repealed, 6 SDR 31, effective September 30, 1979; readopted, 15 SDR 94, effective January 1, 1989; 20 SDR 223, effective July 7, 1994; 24 SDR 76, effective December 11, 1997; 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16(2).~~

~~—— Law Implemented: SDCL 26-6-14.~~

~~67:42:04:09.01. Emergency escape routes --- Fire and tornado drills. A group family day care home must have written emergency evacuation plans posted. Staff members must be aware of exits and methods to be used in the event of flood, fire, strong wind, or other emergencies.~~

~~--- The home must conduct fire drills at least four times a year and it must conduct at least one tornado drill at the beginning of each summer. The operator must maintain written documentation as evidence that the drills were conducted.~~

~~--- Source: 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995.~~

~~--- General Authority: SDCL 26-6-16.~~

~~--- Law Implemented: SDCL 26-6-16.~~

~~67:42:04:12. Nutrition requirements. If a child is in a group family day care home during the home's regular meal time, the child must be offered a meal which consists of a variety of foods from the basic food guide pyramid food groups and which supplies at least one third of the child's daily nutritional needs. Nutritious midmorning, midafternoon, and evening snacks must be served between meals. Breakfast may be substituted for the midmorning snack.~~

~~—— A group family day care home preparing food must meet the food service requirements contained in chapter 67:42:11. A home may serve food prepared in another facility if that facility complies with the food service requirements of chapter 67:42:11 and a copy of that facility's current food service license issued by the Department of Health is kept on file at the group family day care home.~~

~~—— The provider must prepare and post menus of the meals available at the home for the week and must record on the menu the food actually served. The provider must retain the menus for a period of six months after the week for which it was prepared.~~

~~—— Infants must be fed according to their individual schedule and must be held while bottle feeding.~~

~~—— Meals, snacks, and formulas which are prepared by the child's parents and served by the home must be stored according to § 67:42:11:17 until consumed or disposed of.~~

~~—— Source: 4 SDR 2, effective July 25, 1977; repealed, 6 SDR 31, effective September 30, 1979; readopted, 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16.~~

~~67:42:04:14. Building plans. Prior to building a new group family day care home and prior to renovating or altering an existing group family day care home the operator must submit copies of the proposed building, renovation, or alteration plans to the department for approval. The plans must indicate the interior dimensions of each room and the intended use of the room, the location of the fixtures in each bathroom, and the location of the appliances and fixtures for the kitchen. Indoor and outdoor play space must be identified.~~

~~—— Source: 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16.~~

~~67:42:04:15. Environmental health. A group family day care home must comply with the environmental health standards established in chapter 67:42:11 to be licensed. An environmental health survey must be conducted by the Department of Health before the initial licensing of the home and each year thereafter for license renewal.~~

~~—— Source: 15 SDR 94, effective January 1, 1989.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-14.~~

~~67:42:04:16. Play space. The group family day care home must contain not less than 35 square feet of play space indoors and 50 square feet of play space outdoors for each child present. Floor space used for permanent and stationary equipment and furniture, storage, halls, bathrooms, rooms within the home not designated for children's use, offices, and kitchens may not be included in the determination of useable play space for children. No more than half of the space occupied by cribs may be used in determining total square feet of play space.~~

~~—— Source: 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16.~~

~~—— Cross-Reference: Playground area, § 67:42:11:02.~~

~~67:42:04:17. Nighttime care. Nighttime care within the context of this chapter means any group family day care home which is in operation between 7:00 p.m. and 6:00 a.m. If the home provides both day and night care, the number of children during the overlapping shift periods may not exceed the licensed capacity of the home for more than 30 minutes. No child may stay in the home for more than 18 hours in any 24-hour period. The required staff-child ratio, as outlined in § 67:42:04:03, must be maintained during all hours of operation. Staff on duty must be awake and alert to the needs of the children. Staff supervising sleeping children must be on the same floor as the sleeping children.~~

~~—— Source: 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16.~~

~~67:42:04:18. Storage for personal items. In order to prevent cross-contamination and the spread of infectious diseases and lice, a group family day care home must provide an individual storage unit or container for each client's personal articles including combs, brushes, towels, and clothing.~~

~~——Source: 21 SDR 206, effective June 4, 1995.~~

~~——General Authority: SDCL 26-6-16.~~

~~——Law Implemented: SDCL 26-6-16.~~

~~67:42:04:19. Staff person trained in first aid and CPR must be on site during hours of operation. During the hours the facility is in operation, there must be at least one staff person on site who is trained in both first aid and infant-child cardio-pulmonary resuscitation (CPR).~~

~~—— Source: 31 SDR 40, effective September 29, 2004.~~

~~—— General Authority: SDCL 26-6-16.~~

~~—— Law Implemented: SDCL 26-6-16.~~